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February 16, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
February 16, 2004 Date	 David L. Parker

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: *SN 09/913,898 entitled "CHIMERIC GENE CONSTRUCTS FOR GENERATION OF FLUORESCENT TRANSGENIC ORNAMENTAL FISH" by Gong et al.*
Our ref: GLOF:007US

Commissioner:

Please find enclosed:

1. Communication Regarding Restriction Requirement Dated December 18, 2003; and
2. A postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

It is believed that no fees are due. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/GLOF:007US.

Very truly yours,

David L. Parker
Reg. No. 32,165

DLP/lb
Enclosures

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February 16, 2004 Date	 David L. Parker

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gong et al.

Serial No.: 09/913,898

Filed: October 3, 2001

For: CHIMERIC GENE CONSTRUCTS FOR
GENERATION OF FLUORESCENT
TRANSGENIC ORNAMENTAL FISH

Group Art Unit: 1632

Examiner: Joseph T. Woitach

Atty. Dkt. No.: GLOF:007US

**COMMUNICATION REGARDING RESTRICTION REQUIREMENT
DATED DECEMBER 18, 2003**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

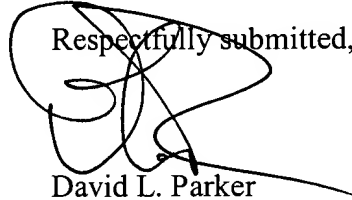
Applicants submit these comments regarding the Restriction Requirement mailed December 18, 2003 and the subsequent telephonic interview.

After receipt of the referenced restriction requirement, the Examiner was contacted regarding the appropriateness of the action. It was pointed out that Applicants' response dated May 9, 2003 to the restriction requirement dated March 13, 2003 was rejected as non-responsive and, therefore, the amendments presented in the May 9th response should not have been entered. Thus, Applicants response and amendment of August 27, 2003 was proper and should have been

entered. The Examiner agreed and advised Applicants' representative to disregard the referenced restriction requirement, and that an action on the merits would be forthcoming soon.

The Examiner is invited to contact the undersigned attorney at (512) 536-3055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



David L. Parker
Reg. No. 32,165
Attorney for Applicants

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Date: February 16, 2004